

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-001

**TO:** Chief Administrator  
Independent Police Review Authority

**FROM:** Inv. Benedict ANAELE, #115

**SUBJECT:** Log #1066834  
U #14-001

**REFERENCE:** RD #HX – 10026/Event #1400100114, Aggravated Assault

**DATE/TIME:** 01 January 2014, 0005 hours

**LOCATION:** [REDACTED] Street (Beat 321)

**INVOLVED OFFICER :** MORALES JR., Nicolas; Chicago Police Officer, Star #9364; Unit 411; white Hispanic male; Employee # [REDACTED] DOB: [REDACTED]; DOA: 05 Oct 2012; On duty; Full Uniform; Beat 4154A.

**OFFICER'S WEAPON:** Glock model 17; 9mm semi-automatic pistol; Serial # [REDACTED] City Registration # [REDACTED] FOID # [REDACTED]; 16 live rounds recovered from firearm; weapon capacity of 18 rounds; Fired two (2) times.

**OFFICER'S INJURIES:** None reported

**WITNESS OFFICER #1:** RASHAN, Erich; Chicago Police Sergeant; Star #1083; Unit 411; white male; Employee # [REDACTED] DOB: [REDACTED]; DOA: 18 Dec 2000; On duty; Full Uniform.

**WITNESS OFFICER #2:** HAMPTON, Siedah; Chicago Police Officer; Star #14298; Unit 411; black female; Employee # [REDACTED]; DOB: [REDACTED] DOA: 30 Nov 2012; On duty; Full Uniform.

**WITNESS OFFICER #3:** LAMON, Denovelle; Chicago Police Officer; Star #11171; Unit 411; black male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 30 Nov 2012; On duty; Full Uniform.

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**WITNESS**

**OFFICER #4:** LAIDLAW, Craig; Chicago Police Officer; Star #17695; Unit 411; white male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 05 Mar 2013; On duty; Full Uniform.

**WITNESS**

**OFFICER #5:** MITCHELL, Artavius; Chicago Police Officer; Star #4689; Unit 411; black male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 05 Mar 2013; On duty; Full Uniform.

**WITNESS**

**OFFICER #6:** HARTMANN, Valerie; Chicago Police Officer; Star #17577; Unit 411; white female; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 05 Mar 2013; On duty; Full Uniform.

**WITNESS**

**OFFICER #7:** SMITH, Nicholas; Chicago Police Officer; Star #17500; Unit 411; white male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 30 Nov 2012; On duty; Full Uniform.

**WITNESS**

**OFFICER #8:** BITTNER, Eric; Chicago Police Officer; Star #13973; Unit 411; black male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 05 Oct 2012; On duty; Full Uniform.

**WITNESS**

**OFFICER #9:** DIAZ, Ediberto; Chicago Police Officer; Star #10299; Unit 411; Hispanic male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 05 Oct 2012; On duty; Full Uniform

**SUBJECT:** [REDACTED] Black Male; DOB [REDACTED]; [REDACTED] E. 67<sup>th</sup> Street, Chicago, IL. 60637; IR #1296028; CB #18812440

**SUBJECT'S  
INJURIES:**

Gunshot wound to the right thigh.

**SUBJECT'S  
WEAPON:**

Ceska Zbrojovka (CZ-USA) Model CZ 75 BD; 9mm semi-automatic pistol; Serial # [REDACTED] No Registration; No FOID; four live rounds recovered from firearm; No rounds fired.

**TIME OF IPRA**

**NOTIFICATION:** 0048 hours

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**TIME OF IPRA**

**RESPONSE:** 0135 hours

**IPRA ON SCENE:** General Counsel Eric Muellenbach  
Supervising Investigator Joshua Hunt  
Investigator Chantall Morley

**IPRA**

**NOTIFICATIONS:** Chief Administrator Scott Ando  
Director of Public Affairs Larry Merritt

**SUMMARY OF INCIDENT**

This investigation, in conjunction with the information gained through the investigation launched by the Chicago Police Department, revealed the following:

On 01 January 2014, at approximately 0005 hours, Sgt. Erich Rashan, #1083; PPO Nicholas Morales Jr., #9364; PPO Eric Bittner, #13973; PPO Siedah Hampton, #14298; PPO Denovelle Lamon, #11171; PPO Artavius Mitchell, #4689; PPO Nicholas Smith, #17500; PPO Valerie Hartmann, #17577; PPO Craig Laidlaw, #17695 and PPO Ediberto Diaz, #10299 were patrolling in three separate marked vehicles in the vicinity of [REDACTED] South St. Lawrence Avenue. The officers heard loud music emanating from a residential apartment complex at the corner of [REDACTED] Street and St. Lawrence Avenue. As the officers approached the complex, they heard several gun shots. Sgt. Rashan looked west through a vacant lot adjacent to [REDACTED] South St. Lawrence Avenue and observed an individual, now known as [REDACTED] standing in the alley west of St. Lawrence Avenue. The officers exited their vehicles and began to approach Mr. [REDACTED] with some officers going through the vacant lot and some going through a gangway in an attempt to cut off a potential escape route. Officer Morales Jr., Officer Hampton and Officer Lamon moved towards [REDACTED] Street in an effort to cut off a second potential escape route.

As Officer Morales Jr., Officer Hampton and Officer Lamon approached the alley near [REDACTED] E. [REDACTED] Street, Mr. [REDACTED] appeared from around the corner of the building, facing away from them and toward the vacant lot from where he just came. When the three officers identified themselves, Mr. [REDACTED] turned toward them and pointed a gun in their direction. At that time, Officer Morales Jr. yelled, "Drop the gun," and fired his weapon twice, striking Mr. [REDACTED] in the right leg. Mr. [REDACTED] fell to the ground and dropped his firearm, which was subsequently recovered. Additional units and medical attention were requested by the officers. Mr. [REDACTED] was transported to Stroger Hospital via ambulance for a gunshot wound to his right thigh.

## INVESTIGATION:

**The IPRA Preliminary Report** contains the same information as reported in the Summary of Incident of this report. (Att. #4)

According to **Department Reports**, Mr. [REDACTED] was arrested on 01 January 2014, at 0005 hours, at [REDACTED] E. [REDACTED] Street, and charged with multiple counts of Aggravated Assault with a Firearm. The arresting officers were Officer Eric Bittner, Star #13973 and Officer Denovelle Lamon, Star #11171. They were assisted by Officer Siedah Hampton, Star #14298 and Officer Nicolas Morales Jr., Star #9364.

The reports indicate that the officers were investigating the sound of gunshots coming from the rear of [REDACTED] South Saint Lawrence Avenue when they encountered Mr. [REDACTED]. Mr. [REDACTED] fled on foot towards [REDACTED] Street and was intercepted by a second group of officers, to include Officer Morales Jr. Officer Morales Jr. gave verbal commands for Mr. [REDACTED] to drop his firearm. Mr. [REDACTED] pointed his weapon at Officer Morales Jr., at which time Officer Morales Jr. discharged his service weapon at Mr. [REDACTED]. Mr. [REDACTED] was struck and fell to the ground, dropping his 9mm semi-automatic pistol.

The incident scene was processed in full. In addition to Officer Morales' shell casings recovered on [REDACTED] Street, eleven (11) 9mm shell casings were recovered from the rear of [REDACTED] South Saint Lawrence Avenue.

Medical attention for Mr. [REDACTED] was immediately sought. Mr. [REDACTED] was treated at Stroger Hospital and released into police custody. In a statement with the CPD detectives, Mr. [REDACTED] admitted to firing the 9mm pistol in the air during a celebration of the New Year. Mr. [REDACTED] related that as he was firing the weapon, a number of Chicago Police Officers began to run towards him. Mr. [REDACTED] admitted he fled on foot as he did not want to be apprehended by the police. Mr. [REDACTED] related that as he ran onto [REDACTED] Street additional officers confronted him and gave him verbal commands to drop his firearm. Mr. [REDACTED] related he began to raise his arms in the air, while still holding his firearm in his right hand, at which time he was shot by one of the officers. (Att. #14; 15, 84 – 90)

**Attempts to interview Mr. [REDACTED] met with negative results.** On 1 January 2014, Investigator Daniel Kobel conducted a personal visit to John Stroger Hospital in an attempt to interview Mr. [REDACTED]. As Mr. [REDACTED] was being treated for his gunshot wound, and had not yet been interviewed by the responding CPD detectives or the States Attorney's Office, he was not able to be interviewed at that time. A certified letter was later sent to Mr. [REDACTED] requesting his cooperation with this investigation. As of the date of this summary, Mr. [REDACTED] has not contacted IPRA. (Att. #16, 51 & 79)

According to the **Tactical Response Reports (TRR)**, Mr. [REDACTED] did not follow verbal direction, fled, was an imminent threat of battery, and used force likely to cause great bodily harm or death. Officers Morales Jr., Lamon and Hampton responded with

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verbal commands, wristlock, take down/emergency handcuffing, and the display of their weapons. Officer Morales Jr. responded with the discharge of his firearm. (Att. #7, 9, 11)

According to the **Officer's Battery Report (OBR)**, Officers Morales Jr., Lamon and Hampton were in uniform, investigating the report of a person with a gun. Mr. [REDACTED] pointed a loaded weapon in the direction of the officers. The officers did not sustain any injuries. (Att. #8, 10, 12)

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. Photographs were not taken of Mr. [REDACTED] due to the fact that he was being treated in the Intensive Care Unit at Stroger Hospital.

The photographs also depict multiple pictures of the CZ-USA model CZ 75 BD 9mm semi-automatic pistol belonging to Mr. [REDACTED] (Att. #27)

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis showed no information that is inconsistent with the facts as related by the involved and witness officers. (Att. #26 & 29)

**IPRA Investigators conducted two separate canvasses** in an attempt to locate additional witnesses or evidence. The canvasses yielded no new physical or testimonial evidence. (Att. #19 & 49)

The **Chicago Fire Department Ambulance Report** documented that Mr. [REDACTED] appeared to have suffered a single gunshot wound to his right thigh, with no apparent exit wound. The narrative related that Mr. [REDACTED] had no other injuries and was transported in police custody to Stroger Hospital. (Att. #25)

**Medical Records** from **Stroger Hospital** indicate that Mr. [REDACTED] sustained a single gunshot wound to the right thigh. (Att. #95)

**Illinois State Police Forensic Science Laboratory Reports** document that the firearm belonging to Mr. [REDACTED] was examined for latent fingerprint impressions. No samples suitable for comparison were revealed through the examination. The firearm was operable as received and test fired. The 9mm casings recovered from the rear of [REDACTED] South Saint Lawrence Avenue were identified as being fired from Mr. [REDACTED] firearm. The gun shot residue evidence indicated that Mr. Lamle discharged a firearm.

The firearm belonging to Officer Morales Jr. was examined and found to be operable as received; the weapon was test fired. The fired Winchester 9 mm cartridge cases recovered from the scene were identified as being fired from Officer Morales' firearm. (Att. #83)

**Court Documents** pertaining to this case were obtained and reflect that Mr. [REDACTED] case is still pending adjudication. (Att. #92)

**In his statement to IPRA on 03 January 2014, Officer Nicolas Morales Jr.** related essentially the same account as contained in the Department Reports. Officer Morales Jr. explained he was positioning himself to intercept Mr. [REDACTED] when he heard Officer Laidlaw and Sgt. Rashan yell, "He's got a gun, drop the gun, CPD, stop," and another officer saying, "He's running to the back, he's running."

Officer Morales Jr. stated Mr. [REDACTED] appeared near the mouth of the alley while running south and looked back over his right shoulder at Officer Bittner, who was pursuing him. Officer Morales Jr. announced his office and ordered Mr. [REDACTED] to stop. Mr. [REDACTED] turned to his left, at which time Officer Morales Jr. saw that Mr. [REDACTED] was holding a handgun in his right hand. Mr. [REDACTED] pointed his firearm directly at Officer Morales Jr. Officer Morales Jr. fired twice at Mr. [REDACTED] striking him once in the upper right thigh. Mr. [REDACTED] fell to the sidewalk in front of [REDACTED] East [REDACTED] Street, dropping his firearm on the ground. Officers Bittner and Lamon handcuffed and searched Mr. [REDACTED]. Officer Morales Jr. recovered Mr. [REDACTED] handgun from the ground, as people had began to come out of a nearby building. Officer Morales Jr. made notifications regarding shots fired by the police and requested an ambulance for Mr. [REDACTED] (Att #50 & 61)

**In his statement to IPRA on 01 January 2014, Sergeant Erich Rashan** related that on the date and time of this event, he was leading a group of officers in a violent crime reduction initiative. Sergeant Rashan and the officers in his team had stopped in order to conduct a field interview of a subject when they heard approximately five gunshots coming from the alley west of 556 East [REDACTED] Street.

Sgt. Rashan directed his officers to converge toward the sounds of the gunshots. Within moments, Sgt. Rashan heard two more gunshots coming from the front of the buildings on [REDACTED] Street. Sgt. Rashan ran toward [REDACTED] Street and Saint Lawrence Avenue, where he observed Mr. [REDACTED] lying on the ground in handcuffs with Officer Morales Jr. standing nearby holding the handgun that belonged to Mr. [REDACTED]. Sgt. Rashan did not witness the shooting. (Att. #40 & 60)

**In his statement to IPRA on 01 January 2014, Officer Eric Bittner** related that he heard gunshots coming from the west side of Saint Lawrence Avenue and saw Mr. [REDACTED] running west toward the alley between Saint Lawrence Avenue and Rhodes Avenue. Officer Bittner related he pursued Mr. [REDACTED] southbound through the vacant lot between [REDACTED] and [REDACTED] South Saint Lawrence Avenue. Mr. [REDACTED] then ran eastbound and turned at the mouth of the alley at [REDACTED] Street, out of Officer Bittner's sight. Officer Bittner heard officers on [REDACTED] Street give verbal commands to Mr. [REDACTED] followed by the sound of two gunshots. Officer Bittner arrived at the corner of the alley and observed Officer Morales Jr. pointing his handgun at Mr. [REDACTED] who was lying on the ground with a gunshot wound to the right thigh. Officer Bittner and Officer Lemon took Mr. [REDACTED] into custody. Officer Bittner did not witness the shooting. (Att. #37 & 58)

**In his statement to IPRA on 01 January 2014, Officer Denovelle Lamon** related that he was a witness to this incident. Officer Lamon related that he heard gunshots coming from the west side of E. [REDACTED] Street. He, Officer Morales Jr. and Officer Hampton exited their squad car with their firearms drawn and ran parallel to other officers who were on the west side of Saint Lawrence Avenue. Officer Morales Jr. was running ahead of Officer Lamon and Officer Hampton. Officer Lamon related that at the mouth of the alley, Officer Morales Jr. observed Mr. [REDACTED] at which time Officer Morales Jr. announced his office and ordered Mr. [REDACTED] to "get down." Officer Lamon observed that Mr. [REDACTED] was holding a handgun in his right hand, near his waist, and that he was pointing the weapon at Officer Morales Jr. At that time, Officer Morales Jr. fired his handgun twice at Mr. [REDACTED] and Mr. [REDACTED] immediately fell to the ground. Officer Morales Jr. secured Mr. [REDACTED] weapon while Officer Lamon and Officer Bittner took Mr. [REDACTED] into custody. (Att. #34 & 55)

**In her statement to IPRA on 01 January 2014, Officer Siedah N. Hampton** related that she was a witness to this incident. Officer Hampton related she, Officer Morales Jr. and Officer Lamon were attempting to intercept Mr. [REDACTED] as he was fleeing from other officers. Officer Morales Jr. shouted, "Stop! Police! Get down!" as Mr. [REDACTED] exited the alley running towards them. Mr. [REDACTED] turned towards Officers Hampton, Lamon, and Morales Jr. at which time Officer Hampton observed that Mr. [REDACTED] was holding a handgun in his right hand. Officer Hampton observed that Mr. [REDACTED] was pointing the weapon at Officer Morales Jr. At that time, Officer Morales Jr. fired his weapon twice at Mr. [REDACTED] Mr. [REDACTED] immediately fell to the ground. Officer Morales Jr. secured Mr. [REDACTED] weapon as Officer Bittner and Officer Lamon took Mr. [REDACTED] into custody. (Att #35 & 56)

**In his statement to IPRA on 02 January 2014, Officer Artavius C. Mitchell** related that he was a witness to this event. Officer Mitchell stated he heard gunshots coming from the west side of E. [REDACTED] Street. Officer Mitchell, along with Officers Bittner, Smith, Laidlaw and Hartmann, ran through a vacant lot between the buildings at [REDACTED] and [REDACTED] South Saint Lawrence, towards the sound of the gunshots. Officer Mitchell observed Mr. [REDACTED] running south in the alley toward 67<sup>th</sup> Street. Officer Mitchell explained that as he attempted to pursue Mr. [REDACTED] he slipped and fell to the ground, losing sight of Mr. [REDACTED] Officer Bittner continued to pursue Mr. [REDACTED] south in the alley. Officer Mitchell heard officers on [REDACTED] Street give verbal commands, followed by the sound of two gunshots. Officer Mitchell arrived at the corner of the alley and observed Mr. [REDACTED] on the ground in handcuffs. (Att. #32 & 53)

**In her statement to IPRA on 03 January 2014, Officer Valerie Hartman** related that she was a witness to this event. Officer Hartmann related that she, along with Officers Mitchell, Bittner, Smith and Laidlaw, were pursuing Mr. [REDACTED] through the vacant lot between [REDACTED] and [REDACTED] South Saint Lawrence. Officer Hartman related she lost sight of Mr. [REDACTED] as he neared [REDACTED] Street. Officer Hartman heard two gunshots coming from the area of [REDACTED] Street. Officer Hartmann stated she was the last officer to reach [REDACTED] Street and when she arrived she observed Mr. [REDACTED] on the ground in handcuffs, bleeding from his right leg. Officer Hartmann observed Officer Morales Jr. holding Mr. [REDACTED] firearm. (Att #33 & 54)

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**In his statement to IPRA on 03 January 2014, Officer Craig Laidlaw** related that he was a witness to this event. Officer Laidlaw related that he had observed Mr. [REDACTED] and another subject in an open area at the rear of 556 East [REDACTED] Street. Officer Laidlaw observed Mr. [REDACTED] with his hand in the air, and simultaneously heard several gunshots. Though Officer Laidlaw could not see a firearm in Mr. [REDACTED] hand due to lighting conditions and distance, he deduced that Mr. [REDACTED] was firing a weapon in the air.

Officer Laidlaw shouted, "Chicago Police! Drop the gun!" at which time Mr. [REDACTED] ran west through the vacant lot between [REDACTED] and [REDACTED] South Saint Lawrence Avenue. Officer Laidlaw pursued Mr. [REDACTED] and called out his description and direction of flight via radio. Mr. [REDACTED] fled east towards [REDACTED] Street, out of Officer Laidlaw's sight. Officer Laidlaw heard two gunshots. Upon reaching [REDACTED] Street Officer Laidlaw observed Officer Morales Jr. pointing his weapon at Mr. [REDACTED] who was lying on the ground with a gunshot wound to his leg. (Att. #39 & 59)

**In his statement to IPRA on 02 January 2014, Officer Nicholas Smith** related that he was a witness to this incident. Officer Smith related he was running towards the sound of gunshots coming from the vacant lot between [REDACTED] and [REDACTED] South Saint Lawrence, when he slipped and fell to the ground. As Officer Smith rose to his feet, he observed Mr. [REDACTED] running south in the alley towards [REDACTED] Street with Officer Bittner in pursuit. Officer Smith could hear other officers announce their office and give verbal commands for Mr. [REDACTED] to stop. Mr. [REDACTED] reached the mouth of the alley at [REDACTED] Street, and turned east, out of Officer Smith's sight. Officer Smith heard two gunshots and more shouting. When Officer Smith arrived at [REDACTED] Street he observed Mr. [REDACTED] lying on the ground, in handcuffs, with several officers standing around him. (Att. #36 & 57)

**In his statement to IPRA on 01 January 2014, Officer Ediberto Diaz** related that he was a witness to this incident. Officer Diaz related he and his fellow officers were investigating the sound of gunshots coming from west of South Saint Lawrence Avenue, when they came in contact with Mr. [REDACTED]. Mr. [REDACTED] fled from the officers, towards [REDACTED] Street. Officer Diaz related that he did not pursue Mr. [REDACTED] as he was attempting to conduct a field interview with a separate subject. Officer Diaz related he then heard additional gunshots coming from the area of [REDACTED] Street. At that time, Officer Diaz ran towards [REDACTED] Street. Officer Diaz observed Mr. [REDACTED] on the ground and observed Officers Lamon and Bittner handcuffing Mr. [REDACTED] (Att. #31 & 52)

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by **Officer Nicolas MORALES Jr., #9364**, was **Within Policy** as outlined by the Use of Force of Model; the Illinois State statute; and the Chicago Police Department's General Order 03-02-03, III, which states:

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- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or;
  2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
    - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
    - b. is attempting to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

On 01 January 2014, at approximately 0005 hours, Officer Nicholas Morales Jr. and his team were patrolling the area of [REDACTED] South St. Lawrence Avenue when they heard gunshots. Along with the sound of the gunshots, Officer Laidlaw observed Mr. [REDACTED] with his arm raised above his head in a manner consistent with someone firing a handgun in the air. As the officers approached to investigate, Mr. [REDACTED] fled on foot. While in pursuit, the officers announced their office and ordered Mr. [REDACTED] to stop.

Officer Morales Jr. ran parallel to Mr. [REDACTED] flight path in an effort to intercept and apprehend him. Officer Morales Jr. confronted Mr. [REDACTED] as he fled onto [REDACTED] St, and yelled "drop the gun!"

Mr. [REDACTED] turned towards Officer Morales Jr. with his firearm in his right hand, pointed in the direction of Officer Morales Jr. In fear for his safety, Officer Morales Jr. fired his weapon twice, striking Mr. [REDACTED] once in the right leg. Mr. [REDACTED] fell to the ground and dropped his 9mm pistol, which was recovered.

Mr. [REDACTED] later admitted to the responding detectives that he had fired his pistol in the air and fled from the officers in an effort to avoid apprehension. Mr. [REDACTED] admitted to still being in possession of his firearm when he was ultimately confronted by and shot by Officer Morales Jr.; Mr. [REDACTED] indicated that he was raising his arms over his head, while still holding the weapon in his right hand, at the time he was shot.

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The facts and circumstances surrounding this event show that Officer Morales Jr. was in compliance with the statute "to prevent death or great bodily harm to the sworn member or to another person" as he reasonably believed his life was in imminent danger when Mr. [REDACTED] lifted his arm with a firearm and pointed it in his direction.

[REDACTED]

#115

Inv. Benedict Anaele, #115

Approved:

[REDACTED]

Joshua Hunt #28  
Supervisor, IPRA

Approved:

[REDACTED]

Scott M. Ando  
Chief Administrator, IPRA